



6-24-02

JUN 26 2002

TECH CENTER 1600/2900

Attorney Docket No. 970113R/HG

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): KIMURA
Serial No. : 09/678,218
Filed : September 29, 2000
Art Unit : 1626
Examiner : L. Stockton

**RESPONSE TO OFFICE COMMUNICATION
OF JUNE 11, 2002
and
STATEMENT OF THE SUBSTANCE OF
THE INTERVIEW**

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Francine E. Smith

Francine E. Smith

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee or any other fee required in connection with this paper, to Account No. 06-1378.

Commissioner for Patents

S I R :

RESPONSE TO OFFICIAL COMMUNICATION OF JUNE 11, 2002

The cover page (PTO-90C) of the June 11, 2002 Office communication states "The request for deferral/suspension of action under 37 CFR 1.103 has been approved." This sheet is followed by a second sheet (PTO-90C) which states

"All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF SIX MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application."

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Applicants did not request "deferral/suspension of action under 37 CFR 1.103." It is respectfully submitted that the suspension is a "notice of suspension on initiative of the Office" under 37 CFR 1.103(e). The relevant facts are set forth in the following statement.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

The Office communication of June 11, 2002 attached an Examiner's Interview Summary form PTO-413 wherein the bottom paragraph states that if the preceding paragraph has not been checked, applicant is given one month from the interview date to file a statement of the substance of the interview. Since said box was not checked, this paper is being filed.


The attachment with said Interview Summary, namely the Summary of Record of Interview Requirements, in the lower portion thereof, sets forth eight items which should be included in a complete and proper recordation of the interview. In the present instance, items 1-5 are not applicable. The 6th and 7th items, namely, 6) a general indication of any other pertinent matters discussed, and 7) the general results or outcome of the interview, follow.

On June 5, 2002, Examiner Stockton telephoned and stated that prosecution of the application would be suspended to provide time for the processing of the application within the Group to possibly institute an interference. Examiner Stockton stated that she would work with a Special Program Examiner. Examiner Stockton informed me that a Statement under 37 CFR 1.607 should be filed.

During the interview, Examiner Stockton also stated that her earlier rejections should be withdrawn.

It is respectfully submitted that present statement is fully responsive to the requirements set forth in the bottom paragraph of the Interview Summary PTO-413.

Respectfully submitted,


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